

REMARKS

Claims 1-21 are pending in this application. Claims 1, 7-9 and 11 are independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the claimed invention. These amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-11 and 13-17 under 35 U.S.C. §103(a) as being unpatentable over Westervelt (U.S. Patent Application Publication No. 2002/0073196) in view of Grube (USP 6,885,874); rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Westervelt in view of Grube and further in view of Pendragon (White Paper, XP002393717); and rejected claims 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Westervelt in view of Grube and further in view of Fucells (USP 7,092,369). Applicants respectfully traverse these rejections.

Examiner Interview

Applicants wish to thank the Examiner and his Supervisor for the Interview conducted on January 29, 2009. During the Interview, the parties discussed the claimed invention and the teachings of the cited art. Specifically, the parties discussed the definition of a survey. The parties further discussed the prior art as compared with the claimed external information, the survey result and reliability. The amendments and arguments herein are further to the discussion between the parties during the Interview.

Rejections under 35 U.S.C. §103

In support of the Examiner's rejection of claim 1, the Examiner now relies of the teachings of Grube to cure the deficiencies of the teachings of Westervelt. Specifically, the Examiner asserts that Grube discloses the survey result collected from the terminal device

including external environment information of a survey point; a determining unit for determining reliability of the survey result on the basis of external environment information at a survey point and the survey added to the survey result by the terminal device; and that the predetermined analysis is on the basis of the reliability.

By this amendment, Applicants have amended claim 1 to recite, an analyzing system comprising a collecting unit for collecting a survey result of a pre-designated survey from a terminal device, said survey result collected from the terminal device including external environment information of a survey point and said survey, wherein said survey includes responses, entered by a user, to a plurality of questions; a determining unit for determining reliability of the survey result on the basis of said external environment information at said survey point and said survey added to said survey result by said terminal device; and an analyzing unit for carrying out a predetermined analysis on the basis of the collected survey result in consideration of said reliability.

In contrast, the disclosure of Grube is directed to group location and route sharing system for communication units in a trunked communication system. Methods are disclosed for sharing location and route information between communication units (e.g., talkgroup members) that are subscribed to a group location sharing service. The group location sharing service is event-based, such that the communication units may form a subset of a talkgroup desiring to actively participate or monitor an event. Communication units de-subscribe from the group location sharing service or talkgroup when they no longer desire to participate or monitor the event. Service levels may be determined for various subscribers to the group location sharing service. The service levels may include, for example, an information transmission service level and information reception service level that determine an amount, type, and/or timing of information to be sent or received by particular subscribers (Abstract).

Neither Westervelt nor Grube teach or suggest “a collecting unit for collecting a survey result of a pre-designated survey from a terminal device, said survey result collected from the terminal device including external environment information of a survey point and said survey, wherein said survey includes responses, entered by a user, to a plurality of questions,” as required by claim 1.

First, as discussed during the interview, and as apparently agreed by the parties during the interview, neither of the cited references teach or suggest a survey including responses, entered by a user, to a plurality of questions.

Second, the cited references fail to teach or suggest a collecting unit for collecting from a terminal device, a survey result including 1) external environment information of a survey point and 2)said survey, as defined in the claim. None of the devices disclosed in Westervelt and Grube teaches receiving these two pieces of information from one terminal device.

For at least this reason, Applicants maintain that claim 1, as amended, is not obvious over the references as cited.

Grube fails to teach “a determining unit for determining reliability of the survey result on the basis of the external environment information at the survey point and the survey added to the survey result by the terminal device,” as required by claim 1.

In support of the Examiner’s rejection of claim 1, the Examiner asserts on page 3, of the outstanding Official Action as follows:

Grube et al. discloses said survey result collected from the terminal device including external environment information of a survey point and said survey (communication unit 105 includes a location determination element 126 for determining the location of the communication unit 105 as disclosed in fig. 1 and further disclosed in col. 6 lines 33-58); and a determining unit for determining reliability (i.e. inside or outside a boundary) of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device (the GLSS controller determines the eligibility of the subscriber unit to participate in the GLSS by applying a filtering policy at step 503 as disclosed in fig. 5 and col. 13 lines 10-20).

Based on the Examiner's rejection, it appears that the Examiner is relying upon the determined location to teach both the survey and the external environment information of the survey point. However, claim 1 clearly requires two pieces of information, namely 1) external environment information of a survey point; and 2) the survey. Applicants maintain that the Examiner's reliance on only the location information is wholly improper.

Further, claim 1 requires determining reliability of one piece of information, namely the survey result, based on the second piece of information, namely, the external information at the survey point. However, the Examiner appears to be relying on a wholly different teaching to disclosure determining reliability of a survey result. The Examiner relies on determining whether the subscriber is inside or outside a boundary. The boundary information cannot teach the survey result because the boundary information is not received from the subscriber's terminal device, as required by the claim. The only information relied upon by the Examiner is merely the location of the communication unit.

In other words, since only one piece of information is being received from the communication unit, namely, the location of the unit, it is improper for the Examiner to support his rejection by asserting that the one piece of information is used to determine reliability of the same piece of information. Alternatively, it is improper for the Examiner to support his rejection by asserting that one piece of information (location) is used to determine reliability of information that is not received in the survey result from the terminal unit (the boundary information).

For at least these reasons, and based upon the apparent agreement during the Interview that the amendments made herein overcome the outstanding rejection, Applicants maintain that claim 1 is not obvious over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

Applicants respectfully submit that that claims 2-6 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. Applicants

respectfully submit that claims 7-9 and 11 recite elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

The Examiner fails to establish *prima facie* obviousness of claim 8

With regard to claim 8, the Examiner admits that Westervelt fails to teach or suggest all of the claim elements including the survey result collected from the terminal device including external environment information of survey point and said survey; a determining unit for determining reliability of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device; and the selecting of survey results on the basis of the reliability. The Examiner relies on the teachings of Grube to cure the deficiencies of the teachings of Westervelt.

However, although the Examiner makes assertions about the teachings of Grube with regard to other claim elements, the Examiner fails to provide any statement or assertion to support his rejection that Grube teaches that selecting of a survey result is on the basis of the determined reliability. As such, it appears that the Examiner has failed to properly consider all of the elements recited in the claim. Applicant maintains that Grube fails to teach or suggest this claim element. As the Examiner admits that Westervelt fails to teach this claim element, and the Examiner provides no mention of this claim element in support of his rejection of claim 8, Applicants maintain that the Examiner has failed to establish *prima facie* obviousness by failing to provide references that teach or suggest all of the elements recited in the claim.

In the event the Examiner maintains his rejection of this claim, the Examiner should provide a proper rejection considering all of the claim elements and explain what portions the Examiner is relying upon to teach this claim element in a new, non-final Official Action so that Applicants may have a proper opportunity to respond.

Conclusion

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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